



Centers for Medicare & Medicaid Services  
Office of Information Services  
Information Services Design & Development Group  
7500 Security Blvd  
Baltimore, MD 21244-1850

## **Section 1115 Demonstration Program**

## Section 1115 Demonstration

### **Section I - Program Description**

Effective January 1, 2014, eligibility for health coverage under all health insurance affordability programs – including Medicaid, the Children’s Health Insurance Program (CHIP) and the Advanced Premium Tax Credit – generally will be based on a new Modified Adjusted Gross Income, or MAGI, methodology. Calculating applicants’ MAGI-based income will entail defining household composition and executing income-counting procedures according to rules that differ from those currently in effect for Medicaid. During the 2013 open enrollment period (October 1, 2013 to December 31, 2013) eligibility for certain applicants will be determined using MAGI-based methodologies for coverage scheduled to start on January 1, 2014. In addition, during this period, people applying for or renewing Medicaid for coverage in 2013 will also need to have their eligibility assessed based on existing Medicaid rules. As a result, for populations subject to the MAGI-based rules, Virginia will have to determine Medicaid eligibility under both the current rules and the MAGI-based rules during this limited period of time.

The purpose of this demonstration is to enable Virginia to avoid having to operate two sets of rules for children, parents and caretaker relatives, pregnant women and other non-disabled, non-elderly adults that may be eligible for Medicaid enrollment during this period. As such, the state is requesting a waiver of 1902(a)(17) to implement, on a state-wide basis, MAGI-based eligibility determination methods to populations subject to MAGI beginning October 1, 2013 through December 31, 2013, to coincide with the start of the open enrollment period. The state proposes to test and evaluate how the early adoption of the MAGI-based methodology will affect overall Medicaid expenditures as well as how a more coordinated open enrollment process will help ensure the state’s capacity to process applications in a timely fashion.

### **Section II – Demonstration Eligibility**

The populations affected by this demonstration are the state plan populations that are subject to MAGI-based eligibility determinations effective January 1, 2014. The state projects that approximately 55,000 individuals will be affected by the demonstration. The state proposes to apply the MAGI-based eligibility determination rules as described in 42 CFR 435.603 effective October 1, 2013 to the populations listed in the table below:

**Eligibility Chart**

<b>Eligibility Group Name</b>	<b>Social Security Act and CFR Citations</b>	<b>Income Level</b>
Parent/caretaker relatives Low Income Families	§1902(a)(10)(A)(i)(I) and §1931	
Pregnant Women	§1902(a)(10)(A)(i)(I), §1931, §1902(a)(10)(A)(i)(III), §1902(a)(10)(A)(i)(IV)	142% FPL

Children	§1902(a)(10)(A)(i)(I) and §1931, §1902(a)(10)(A)(i)(III), §1902(a)(10)(A)(i)(IV), §1902(a)(10)(A)(i)(VI), §1902(a)(10)(A)(i)(VII), §1902(a)(10)(A)(ii)(IV),	143% FPL
Family Planning Option	§1902(a)(10)(A)(ii)(XXI)	211% FPL

### **Section III – Demonstration Benefits and Cost Sharing Requirements**

- 1) Indicate whether the benefits provided under the demonstration differ from those provided under the Medicaid and/or CHIP state plan:

☐ Yes ☒ No

- 2) Indicate whether the cost sharing requirements under the demonstration differ from those provided under the Medicaid and/or CHIP state plan:

☐ Yes ☒ No

### **Section IV – Delivery System and Payment Rates for Services**

- 1) Indicate whether the delivery system and payment rates for services used to provide benefits to demonstration participants will differ from the Medicaid and/or CHIP state plan:

☐ Yes  
☒ No

### **Section V – Implementation of Demonstration**

Virginia will operate this demonstration from October 1, 2013 through December 31, 2013.

### **Section VI – Demonstration Financing and Budget Neutrality**

The state is not requesting section 1115 expenditure authority as the affected population is comprised of Medicaid state plan eligibility groups; therefore, no budget neutrality agreement is needed in conjunction with this demonstration.

## **Section VII – List of Proposed Waivers and Expenditure Authorities**

The state requests a waiver of section 1902(a)(17) in order to implement MAGI-based eligibility determination methods, from October 1, 2013 through December 31, 2013, for all populations who will be subject to MAGI-based rules effective January 1, 2014.

## **Section VIII – Public Notice**

Please include the following elements as provided for in 42 CFR 431.408 when developing this section:

- 1) Start and end dates of the state's public comment period;
- 2) Certification that the state provided public notice of the application, along with a link to the state's web site and a notice in the state's Administrative Record or newspaper of widest circulation 30 days prior to submitting the application to CMS;
- 3) Certification that the state convened at least 2 public hearings, of which one hearing included teleconferencing and/or web capability, 20 days prior to submitting the application to CMS, including dates and a brief description of the hearings conducted;
- 4) Certification that the state used an electronic mailing list or similar mechanism to notify the public. (If not an electronic mailing list, please describe the mechanism that was used);
- 5) Comments received by the state during the 30-day public notice period;
- 6) Summary of the state's responses to submitted comments, and whether or how the state incorporated them into the final application; and
- 7) Certification that the state conducted tribal consultation in accordance with the consultation process outlined in the state's approved Medicaid state plan, or at least 60 days prior to submitting this demonstration application if the demonstration has or would have a direct effect on Indians, tribes, on Indian health programs, or on urban Indian health organizations, including dates and method of consultation.

If this application is an emergency application in which a public health emergency or a natural disaster has been declared, the State may be exempt from public comment and tribal consultation requirements as outlined in 42 CFR 431.416(g). If this situation is applicable, please explain the basis for the proposed emergency classification and public comment/tribal consultation exemption.

## **Section IX – Demonstration Administration**

Please provide the contact information for the state's point of contact for the demonstration application.

Name and Title: Cindy Olson, Eligibility Policy Manager

Telephone Number: 804-25-4282

Email Address: cindy.olson@dmas.virginia.gov

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